

NEW JERSEY BROWNFIELD REDEVELOPMENT TASK FORCE

POLICY & LEGISLATIVE COMMITTEE

MINUTES OF MEETING HELD TUESDAY, OCTOBER 4, 2005

10:00 P.M. – 12:00 P.M.

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
TRENTON, NEW JERSEY
OFFICE OF SMART GROWTH LIBRARY - 7TH FLOOR

Committee Members Present—

Leah Healey - Public Member – Committee Chair

Sally Dudley, Public Member – Environmental

Frances E. Hoffman – Office of Smart Growth, NJ Department of Community Affairs

Colleen Kokas –NJ Department of Environmental Protection

Nicole Royle – NJ Economic Development Authority

Committee Members Not Present—

Richard Gimello – NJ Department of Transportation

William Mullen – Public Member – Labor and Trade

Erin Simone – NJ Department of Agriculture

Dennis Toft, Public Member – Task Force Chairperson

Other Attendees—

Dan Reynolds – Counsel for the Task force

Cynthia Weiser, Office of Smart Growth, NJ Department of Community Affairs

Lauri Sheppard – NJ Redevelopment Authority

James Simmons – NJ Department of Commerce, Economic Growth and Tourism Commission

I. CALL TO ORDER & WELCOME—

Leah Healey, Chairperson of the Policy and Legislative Committee of the NJ Brownfields Redevelopment Task Force, welcomed the Committee and called the meeting to order at 10:02 a.m.

II. ROLL CALL—Cynthia Weiser, Brownfield Program Assistant, called roll. A quorum was present.

III. APPROVAL OF MINUTES—Ms Hoffman moved to accept the minutes of the July 26, 2005 meeting; Ms Royle seconded.

IV. COMMITTEE BUSINESS—A list of items of Committee business that need to move forward was provided.

Draft Report to the Governor

In light of the imminent change in administration, the Task Force should determine to whom the report should be addressed.

The diversity of the Task Force membership and the expertise in brownfields issues that it brings from the government agencies and the private sector members represent should be emphasized.

Accomplishments to date

- The value the Task Force has as an implementing tool for Smart Growth.
- Report on S277—Amendments to the Hazardous Discharge Site Remediation Fund (HDSRF)
The bill was signed on 9/15/05 at a ceremony in Bayonne.

It was suggested that the Task Force evaluate existing programs to determine if they are functioning properly. The Task Force should continue to follow up with DEP in its efforts to improve the functioning of the existing HDSRF applications review process. These new amendments will place additional demands on that system.

- Remediation: The Reimbursement Program Brownfields/Portfields Incentives

It was suggested that the current remediation reimbursement program operated by Commerce and Treasury, in consultation with DEP, be evaluated and that additional ways to better address Portfields light manufacturing and warehouse uses be recommended. The Portfields Initiative participants should be included in this discussion.

- One of the last lingering liability concerns regarding Natural Resource Damages is the method by which a party can obtain recognition of innocent party status by NJDEP.
- It was noted that the BRIT plays an important fundamental advisory role to the Task Force in identifying what kind of brownfields projects are in process around the state, and communicating what challenges they face. The questions that have filtered up through the BRIT are issues for the Task Force to address.
- Brownfield Development Area Designees—The Task Force has not been very involved in the Brownfields Redevelopment Areas (BDA) Program in DEP to date, but the program is likely to become more popular due to the additional financial incentives for BDAs in the new amendments to the HDSRF program.
- The Task Force discussions regarding Site Mart have focused primarily on the data-gathering and data-entry tasks. The Task Force needs to verify the effectiveness of the Site Mart as well. It was suggested that reports include this aspect.
- Brief progress reports and accomplishments of brownfields-related programs in all BRIT member agencies will be included in the report.

The timing and placement of this report will be critical in presenting brownfields issues to the Legislature and the next administration.

It was agreed that the Task Force produce a forward-thinking document that contains strong recommendations. This document should be forceful, with language impressing upon the reader the importance of brownfields, and including a strong agenda for the Task Force as it moves forward.

Task Force Areas of Concentration

It was felt that there has been vast improvement in the work of the Task Force in recent years because agencies are working together to a greater extent today than ever before.

The following are areas identified for Task Force concentration:

- *Proper program functioning* It is critical that agencies ensure that their programs work well and that the interagency collaboration continues. The Task Force should evaluate the performance of existing incentives and regulations and determine what needs to be done in order to move forward with a more mature brownfields program. This should be done in consultation with the full range of brownfields stakeholders.

- *Portfields* Particular attention will be paid to incentives for brownfields cleanup and redevelopment in Portfields areas. Federal, state, local and county taxes potentially available to support brownfields projects in the Portfields areas must be identified and evaluated. Other than funding Portfield cleanups under the 75% reimbursement program, administered by the Commerce, Economic Growth and Tourism Commission and the Department of Treasury, there is little support.

- *Brownfields – related legislation* The Task Force has made important strides in modifying many brownfields bills, particularly the NRD bill, amendments to HDSRF, and the Inventory Bill S2116/A1633, and in addition the Task Force has had significant impact on the formation of the specific brownfields programs. This function is essential to the role of the Task Force and will continue to be at the forefront of its work.

- *Statewide Environmental Insurance* The Task Force plans to initiate formal broad-based statewide debate on statewide environmental insurance. Although insurance representatives have made presentations to the Task Force, there is need to target the topic tightly and discuss the issues fully in order to arrive at the best recommendations.

- *Brownfields Incentives* - Task Force should perform an analysis of the two major programs: HDSRF and the 75% reimbursement program to more clearly understand their impact. The Task Force should evaluate state incentives regarding how they influence smart growth and how special category sites, such as smaller sites that have significant contamination are impacted. In some cases the cost of contamination may exceed the market value of the property.

Committee members were reminded that under the new HDSRF amendments, the Task Force may

recommend priority ranking for projects seeking funding for cleanup, and that careful thought needs to be given in determining how to implement this power.

V. COMMITTEE MEMBERS COMMENTS—None

VI. PUBLIC COMMENTS—None

VII. ADJOURNMENT—The meeting was adjourned at 11:55 p.m.

Respectfully submitted,

Frances E. Hoffman
Secretary, New Jersey Brownfields Redevelopment Task Force